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EXAMINER

CHOWDHURY, SUMAIYA A

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2623

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ELECTRONIC

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-7, and 12-14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (5771435) in view of Young (4706121) and livonen (7246367).

As for claim 1, Brown teaches a method for accessing a plurality of bi-directional services that are transmitted over a cable network, comprising:

Presenting a program guide to at least one subscriber, the program guide comprising at least one bi-directional service (VoD, NVoD) – col. 4, lines 24-27;

Receiving a request for a bi-directional service displayed in the program guide – col. 4, lines 26-27;

Determining a current bandwidth consumption and availability of the requested bi-directional service – col. 3, lines 42-50, col. 3, line 60-col. 4, line 15, col. 7, lines 12-21;

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Dependent upon the current bandwidth consumption and availability, rendering the bi-directional service— col. 3, lines 42-50, col. 3, line 60-col. 4, line 15, col. 7, lines 12-21;

However, Brown fails to teach the following:

Wherein the program guide includes availability information of the service;

Determining a schedule including bi-directional service rights for each subscriber;

Maintaining real-time communications between a supplier of the requested bi-directional service and a requesting subscriber;

Monitoring the real-time communications by a bi-directional services server;

Updating a bi-directional services database to reflect that the rendered bi-directional service is one of available or unavailable; and

Populating and presenting an updated program guide with the at least one bi-directional service and updated availability information, wherein the at least one bi-directional service is maintained and periodically updated in the program guide by the bi-directional services database.

In an analogous art, Young teaches:

Wherein the program guide includes availability information of the service (The program guide displays available listings. For viewers without special decryption service, the system will remove from display those satellite listings which are of no value to the viewer because they are encrypted. In other words, since those listings are unavailable, they are not displayed to the user. Col. 5, lines 19-36, col. 10, lines 11-60);

Updating a bi-directional services database to reflect that the rendered bi-directional service is one of available or unavailable (The database at the head-end sends the program guide to the user. If the user doesn't have special decryption service, the listings of the programs which are encrypted are removed from being displayed. If displayed, the program is available, otherwise it is not. Col. 5, lines 19-36, col. 10, lines 11-60); and

Populating an updated program guide with the at least one bi-directional service and updated availability information, wherein the at least one bi-directional service is maintained and periodically updated in the program guide by the bi-directional services database (The program guide is updated to reflect new listings and availability. Col. 5, lines 19-36, col. 10, lines 11-60).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Brown's invention to include the above mentioned limitation, as taught by Young, such that the user has the most current information on the availability of programs.

However, Brown and Young fail to teach:

Determining a schedule including bi-directional service rights for each subscriber;

Maintaining real-time communications between a supplier of the requested bi-directional service and a requesting subscriber;

Monitoring the real-time communications by a bi-directional services server;

In an analogous art, Iivonen teaches:

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Determining a schedule including bi-directional service rights for each subscriber (Playback priority rights vary from user to user. col. 4, lines 40-44, col. 5, lines 39-54);

Maintaining real-time communications between a supplier of the requested bi-directional service and a requesting subscriber (col. 4, lines 35-40, col. 5, lines 15-38, col. 7, lines 45-54, col. 7, lines 45-55);

Monitoring the real-time communications by a bi-directional services server (col. 4, lines 35-40);

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Brown and Young's invention to include the above mentioned limitation, as taught by livonen, for the advantage of providing an interactive system thereby enabling the user control of streams.

Considering claim 2, Brown, Young, and livonen disclose the claim limitations. In particular, Young discloses the step of receiving a request for further information regarding the requested bi-directional service and transmitting the information to the requestor wherein the information comprises duration (col. 10, lines 25-40).

Considering claim 3, Brown, Young, and livonen disclose the claim limitations. In particular, livonen teaches querying the bi-directional services database to ensure the requested bi-directional service is available, and if available, querying the schedule including bi-directional service rights for each subscriber, wherein the rights for a bi-

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directional service include start time (col. 4, lines 40-44, col. 5, lines 39-54, col. 6, lines 42-56).

Considering claim 4, Brown, Young, and Livonen disclose the claim limitations. In particular, Livonen teaches receiving a request from a subscriber for a bi-directional service comprises a bi-directional communication session between the subscriber and at least one other subscriber with the requested bi-directional service (col. 7, lines 45-54).

Considering claim 5, Brown, Young, and Livonen disclose the claim limitations. In particular, Brown teaches:

Receiving a second request (subsequent request) for an available bi-directional service displayed in the program guide- col. 4, lines 26-27;

Determining the current bandwidth consumption – col. 3, lines 42-50, col. 3, line 60-col. 4, line 15, col. 7, lines 12-21;

Dependent upon the current bandwidth consumption, transmitting the second requested bi-directional service – col. 3, lines 42-50, col. 3, line 60-col. 4, line 15, col. 7, lines 12-21;

Young teaches:

Updating the availability information in the bi-directional services database; and presenting an updated program guide including the second requested bi-directional service availability information (The database at the head-end sends the program guide

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to the user. If the user doesn't have special decryption service, the listings of the programs which are encrypted are removed from being displayed. If displayed, the program is available, otherwise it is not. Col. 5, lines 19-36, col. 10, lines 11-60).

Considering claim 12, Brown, Young, and Livonen teach wherein the program guide displays bi-directional services along with the availability information as discussed above in claim 1. However, Brown and Young fail to teach the step of continuously updating the program guide to display availability information for each of the plurality of bi-directional services.

The Examiner takes Official Notice that it is notoriously well known in the art to continuously update the program guide to through the use of a carousel to display availability information. Whatever service(s)/programs are displayed in the program guide, are service(s)/programs that are available.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Brown and Young's invention to include the above mentioned limitations, for the advantage of always providing the user with an updated program guide.

Claim 13 contains the limitations of claim 1 and 3 and is analyzed as previously discussed with respect to those claims.

As for claim 14, Brown, Young, and livonen teach wherein the updated bi-directional services database is updated by information received from the at least one remote supplier (livonen teaches when a service is rendered, the billing database is updated to reflect that the service has been rendered – col. 4, lines 44-51).

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown, Young, and livonen as applied to claim 5 above, and further in view of Haddad (5835843) and Fulp (6055571).

Considering claim 6, Brown, Young, and livonen fail to teach:

If a displayed bi-directional service is not available due to the unavailability of the bi-directional service, receiving a request for future consumption of the requested bi-directional service; and

If a displayed bi-directional service is not available due to the current bandwidth consumption, receiving a request for one of future consumption of the requested bi-directional service at a first price or a request for immediate consumption of the requested bi-directional service at a second price.

In an analogous art, Haddad teaches if a displayed bi-directional service is not available due to the unavailability of the bi-directional service, receiving a schedule request for future consumption of the requested bi-directional service. In particular, Haddad teaches if a program isn't available right away, the user sets a time allowance

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interval. A time allowance interval includes a minimum delivery time which determines the earliest time that a program is available for viewing. – col. 9, col. 2, lines 48-53, col. 7, line 59-col. 8, line 3.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Brown and Young's invention to include the above mentioned limitation, as taught by Haddad, in order satisfy the user's request of watching a program within a time interval.

However, Brown, Young, and Iivonen, and Haddad fail to teach:

If a displayed bi-directional service is not available due to the current bandwidth consumption, receiving a request for one of future consumption of the requested bi-directional service at a first price or a request for immediate consumption of the requested bi-directional service at a second price.

In an analogous art, Fulp teaches:

If a displayed bi-directional service is not available due to the current bandwidth consumption, receiving a request for one of future consumption of the requested bi-directional service at a first price or a request for immediate consumption of the requested bi-directional service at a second price (col. 17, lines 21-29).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Brown, Young, and Iivonen, and Haddad's invention to include the above mentioned limitation, as taught by Fulp, to encourage high utilization of resources.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown, Young, livonen, Haddad, and Fulp as applied to claim 6 above, and further in view of Bates and Lawler (5699107).

Considering claim 7, Brown, Young, livonen, Haddad, and Fulp teach:

Displaying a notification of the unavailable bi-directional service as discussed above in claim 6. However, Brown, Young, livonen, Haddad, and Fulp fail to teach displaying a notice on a currently displayed program.

In an analogous art, Bates teaches displaying a notice (103 – Fig. 5) on a currently displayed program, the notice displaying later showings of the selected program – (See Fig. 4 & Fig. 5, col. 7, lines 10-20).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Brown, Young, livonen, Haddad, and Fulp's invention to include the above mentioned limitation, as taught by Bates, for the advantage of allowing the user to view the desired program at a later convenient time.

However, Brown, Young, livonen, Haddad, Fulp, and Bates fail to teach:

The step of providing notification when the bi-directional service is available, wherein the notification of the previously unavailable bi-directional service comprises displaying a notice on a currently displayed program.

In an analogous art, Lawler teaches:

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The step of providing notification when the bi-directional service is available (Lawler teaches a two-way system. Hence, it is inclusive of bi-directional services. Once a reminder is set, the system monitors the reminder and shortly before the program, provides notification that the program is about to begin. – col. 12, lines 35-40).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Brown, Young, Iivonen Haddad, Fulp, and Bates' invention to include the above mentioned limitation, as taught by Lawler, for the advantage of providing an effective way of informing the user of a desired service.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2623

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